



Environmental and Natural Resources Law Center

Native Environmental Sovereignty Project

Examining emerging Tribal roles in co-managing lands and resources

The Indigenous Creation Law Initiative

A Prospectus to Advance Tribal Environmental Sovereignty Beyond Reservations

*"In the original law that I was given, there is an understanding that we must be good stewards of these resources."
Charles F. "Chuck" Sams III, Confederated Tribes of the Umatilla Indian Reservation*

The Crucial Tribal Role in the Face of Climate Change and Ecological Collapse

*"You can't negotiate with a beetle. You are now dealing with natural law. And if you don't understand natural law, you will soon. [If] you don't abide by that law, you will suffer the consequence. Whether you agree with it, understand it, comprehend it, it doesn't make any difference. You're going to suffer the consequence, and that's where we're headed right now."
Oren R. Lyons, Jr., Onondaga Nation*

Until the most recent blink of human time, Indian tribes exercised territorial sovereignty across nearly all land in America — over two billion acres. Nature was abundant and, for the most part, in a state of remarkable, sustainable balance. Tribes of the Pacific Northwest, for example, managed a salmon fishery that supported their communities for at least 10,000 years prior to the arrival of Lewis and Clark. Though tribes did not describe their laws in Western legal terms, Native peoples understood the original laws handed down to them by countless generations, requiring stewardship of the land, water, and resources—all gifts from the Creator—for the sake of future generations. Those sacred laws still govern many tribes today as they continue to rely on Nature's bounty for their cultural survival.

The occupation of Indigenous America withered tribal lands to four percent of aboriginal territory, and tribal jurisdiction receded along with the retreating boundaries. Authority over the land and resources on this continent became vested in a new set of sovereigns: federal and state governments. These new sovereigns had no experience managing vast natural resources and approached their function from a culture that could not have been more diametrically opposite to the Indigenous worldview. The premise of colonial philosophy drove all-out ecological conquest, with rampant, unchecked indulgence and exploitation. For over half a century, the modern system of environmental statutory law has openly legalized mounting damage through permit systems that emphasize dominance over resources.

The natural and cultural losses at the hands of these new sovereign trustees are staggering—and now threaten life on Earth as we know it. Just two centuries after the U.S. government took land from the Native nations, we stand at an unthinkable moment in time, where entire food groups are contaminated, ecosystems are unravelling, landscapes are ravaged, the oceans are dying, biodiversity is collapsing, water carries poisons, and the world stands at the edge of a climate cliff that could push Humanity and all other species across a point of no return. The consequences to society from actions taken by this generation of people are profound, and the need for a transformational framework is urgent. This opportunity is both fleeting and historic.

We need both will and wisdom to rise to this moment. This will and wisdom will not come from the culture that brought us the unimaginable destruction we now face. Tribal leaders bring a wisdom of governance perfected over millennia. For tribal leaders, the vision and determination to bring about ecological recovery is created not by a written code, but by a culture defined by natural law—a spiritual set of laws from the Creator, the “lawgiver,” echoing back through millennia—expressed in ceremonies and stories passed down through countless generations. These continually affirm a reciprocity with nature, an honoring of ancestors, and a duty towards future generations, fortifying the will necessary to make ecological recovery a reality. Carrying out these laws, tribes have called back wolves to the Idaho wilderness, returned salmon to the Umatilla Basin, blocked fossil fuel export projects in the Pacific Northwest, and brought down dams in the Elwha, Klamath, and White Salmon rivers—adding to a plethora of other examples across Indian Country.

While a re-emergent tribal trust role over aboriginal lands is key to arresting the hemorrhaging of natural systems brought about by federal and state mismanagement, extending tribal sovereign prerogatives beyond reservation boundaries poses a legal challenge, as tribes hold limited jurisdictional power off their reservations. Accordingly, environmental law has often relegated tribal nations to a role of merely commenting on federal, state, and local actions affecting—or even outright destroying—their traditional territories and resources. However, a set of innovative tools has emerged to vest tribes with a vital role in co-management and co-stewardship off the reservations. Despite numerous legal tools to promote tribal leadership and collaboration in the management of off-reservation lands and resources, there is a dearth of accessible research and scholarship available to inform the practical application of these tools. The Indigenous Creation Law Initiative will address this critical gap. It will 1) describe the cultural context from which a modern tribal co-management/stewardship role emerges; and 2) produce a tribal toolkit comprehensively delineating practical legal mechanisms for expanding tribal nations’ exercise of sovereignty over off-reservation lands and resources. In short, it aims to empower tribes to reassert their ancient sovereign ecological prerogatives over off-reservation lands and resources that remain vital to them—and in so doing, to secure a future for all people.

If there is to be a post-Columbian future—a future for any of us—it will be an Indian future . . . a world in which this time, . . .the superior world view . . . might even hope to compete with, if not triumph over, technology.

Sharpening Tools for Advancing Exercises of Tribal Sovereignty Beyond Reservations

This prospectus sets forth a vision for The Indigenous Creation Law Initiative—a research and outreach initiative rooted in the fundamental principles embedded in the earliest form of tribal law, maintained and shared through oral tradition, ceremony, and ethics. Drawing upon tribal voices sharing creation stories, Indigenous natural law, and testimonials, the first part of the work establishes the cultural context that anchors a vibrant tribal off-reservation co-management/stewardship role. It delves into those ancient instructions that guide tribal ecological decisions and contrasts those with the colonial principles of extraction that infuse Western environmental law.

The second part of the work analyzes a robust set of legal tools available to tribes in their co-management/stewardship aim. It explores mechanisms such as the following and beyond:

- I. Tribal Treaties
- II. The Federal Trust Obligation
- III. Tribal Co-Stewardship Agreements
- IV. 638 Contracts
- V. Tribal Self-Governance Agreements
- VI. Treatment as States (TAS)
- VII. Government-to-Government Relations with States
- VIII. Land Back Initiatives
- IX. Land Exchanges & Transfers
- X. Tribally held Conservation Easements
- XI. The Antiquities Act of 1906
- XII. The National Historic Preservation Act of 1966

This work will culminate in a public launch of a comprehensive law review article, whitepaper, and open-access toolkit that will serve to educate, equip, and empower communities, scholars, advocates, and decision-makers. A conference will draw tribal leaders, agency officials, and scholars in the field to promote outreach and understanding across both tribal and non-Indian environmental resource contexts.

Faculty

Philip H. Knight Professor of Law and Faculty Director of the ENR Center Mary Christina Wood has dedicated her career to defending ecological resources for future generations. Her work with the Native Environmental Sovereignty Project (NESP) has focused on tribal treaty rights, Indigenous land management practices, and ways to promote tribal stewardship of critical off-reservation resources. Recently, she has worked to engage tribal partners in developing a framework for natural climate solutions that incorporates Indigenous Ecological Knowledge.

Professor of Practice Howard Arnett has represented tribal governments, tribal citizens, and Indigenous community organizations for more than four decades. His practice has focused on advancing tribal sovereignty through treaty rights, the development of tribal law, and government-to-government

relations. Recently, his work with NESP has concentrated on threats to Indigenous religious freedoms and cultural resources.

Senior Fellow

Charles F. “Chuck” Sams III serves as NESP’s Senior Fellow. Prior to joining the ENR Center in Fall 2025, Sams served as Director of the National Park Service (NPS) in the Biden Administration—an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation, he is the first Native American to have served as NPS Director in the nation’s history. Before his tenure with the Park Service, Sams built a 30-year career in natural resources and conservation management, focusing on sustainable stewardship. He previously served as National Director of the Tribal and Native Lands Program at the Trust for Public Land and is currently a member of the Northwest Power and Conservation Council.

Law Student Fellows

Through its Interdisciplinary Research Projects and Fellows Program, the ENR Center recruits, retains, and trains law students to serve as ENR Fellows. These student researchers often graduate prepared for careers dedicated to advancing environmental and natural resources law and policy. NESP Fellows organize high-impact public programming such as the annual Rennard Strickland Lecture; collaborate on innovative legal and policy research; and co-produce whitepapers, journal articles, and other public-facing work to promote Indigenous environmental sovereignty.

Expert Advisors

In January 2026, the NESP team expanded to include two professionals experienced in the fields of Indigenous conservation and sustainable land management—Dorothy FireCloud and Melissa Castiano. FireCloud, an enrolled member of the Sicangu (Rosebud Sioux) Lakota, holds a J.D. from the University of New Mexico and worked within the National Park Service from 2006 to 2025, most recently serving as Native American Affairs Liaison under Director Chuck Sams. Castiano, an enrolled member of the Navajo (Diné) Nation worked within the National Park Service throughout her career until 2025, most recently serving as the Native American Affairs Program Manager under Director Chuck Sams. Both FireCloud and Castiano bring to the Indigenous Creation Law Initiative a wealth of knowledge and experience relevant to Tribal co-stewardship and co-management—including first-hand experience working with Indigenous Nations to develop and implement co-stewardship agreements that advance Tribal self-determination beyond reservation lands.

Outreach

NESP continuously works to provide public education and programming focused on Indigenous environmental sovereignty. This includes an annual expert lecture focused on environmental law and Tribal sovereignty, an annual Indigenous Peoples Reception at the world-famous Public Interest Environmental Law Conference (PIELC), and perennial engagement with Indigenous community organizations across and beyond campus. The Rennard Strickland Lecture plays a particularly important role in educating communities and decision-makers across Indian Country.

“History suggests that if mankind is to survive, the next five hundred years must be rooted in the pre-Columbian ethic of the Native American. The continuation of the past, the conqueror’s exploitation of the earth, can mean only one thing. No one, Indian or non-Indian, will survive.”

Rennard Strickland, Cherokee Nation